

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state the following:

1. That your Affiant is a graduate of the Federal Law Enforcement Training Center ("FLETC") and has been employed as a federal officer of Immigration and Customs Enforcement ("ICE"), formerly the Immigration and Naturalization Service ("INS"), for eighteen years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act ("INA");
2. That the information contained in this Affidavit is based on your Affiant's personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This Affidavit is submitted for the limited purpose of presenting facts to support a probable cause finding for the issuance of a criminal complaint against Celzo Arside ROMERO AVILA, a/k/a Celzo Arside Romero-Avila, a/k/a Celzo Romero-Avila, a/k/a Celzo Arside Avila, a/k/a Celzo Arside Romero, a/k/a Celzo Arcides Romero, a/k/a Celso Arcides Romero-Avila, a/k/a Romero Celzo ("ROMERO AVILA"). Your Affiant has not included each and every fact known to her concerning this investigation and she has set forth only those facts necessary for said purpose;
3. That sufficient facts exist to support a probable cause finding that ROMERO AVILA has violated Title 8, United States Code, Section 1326(a)(1) and (b)(1) (illegal reentry into the United States by a convicted felon);
4. That, on August 20, 2024, ROMERO AVILA was arrested by the Union County, North Carolina, Sheriff's Office for DRIVING WHILE LICENSE REVOKED AFTER IMPAIRED REVOCATION NOTICE, NO LIABILITY INSURANCE, DRIVE MOTOR VEHICLE WITH NO REGISTRATION, and ALTERED PLATES (Court Docket 2024cr388685), and deputy sheriffs transported him to the Union County, North Carolina, Jail in Monroe. The Union County, North Carolina, Sheriff's Office arrest prints were submitted to the FBI pursuant to the federal initiative titled Secure Communities via an Immigration Alien Query. The report generated by that submission disclosed that he was the subject of FBI Number 132427DC7, Immigration A-file Number 088-918-557, State Identification Number NC1049485A, and that immigration records indicated that he was removed from the United States without record of legal re-entry;
5. That, on August 21, 2024, an Immigration Detainer was lodged against ROMERO AVILA at the Union County Jail;

6. That, on August 26, 2024, ROMERO AVILA was convicted in Union County, North Carolina, District Court for DRIVING WHILE LICENSE REVOKED AFTER IMPAIRED REVOCATION NOTICE, and sentenced to 6 days of confinement. Court Docket 2024cr388685; date of arrest was August 20, 2024;
7. That, on August 28, 2024, ROMERO AVILA was released from the custody of the Union County, North Carolina, Sheriff's Office into ICE custody. He was transported to ICE offices in Charlotte, North Carolina, where he was fingerprinted and photographed. ROMERO AVILA's fingerprints were submitted through the Next Generation Identification (NGI) system, which is connected to the National Crime Information Center (NCIC), and an automated biometric identification system used by ICE termed IDENT. The fingerprint-based report generated by that submission disclosed that he was the subject of FBI Number 132427DC7, State Identification Number NC1049485A, and Immigration A-file Number 088-918-557;
8. That your Affiant conducted criminal justice inquiries and database searches, reviewed Immigration A-file 088-918-557 relating to ROMERO AVILA, and discovered that:
 - a. his name is Celzo Arsides Romero Avila, per a copy of an unexpired Honduran passport in his immigration file;
 - b. he is also known as Celzo Arsides Romero-Avila, Celzo Romero-Avila, Celzo Arsides Avila, Celzo Arsides Romero, Celzo Arcides Romero, Celso Arcides Romero-Avila, and Romero Celzo;
 - c. he is native and citizen of Honduras by virtue of birth in Honduras, on January 29, 1980, per his own declarations and a copy of an unexpired Honduran passport in his immigration file;
 - d. he has also used January 29, 1983, as his date of birth;
 - e. he was assigned FBI number 132427DC7, North Carolina State Identification Number NC1049485A, North Carolina Department of Adult Corrections Offender ID Number 0904592, North Carolina Driver's License Number 25881866 (under the name Celzo Arsides Romero), Domestic Violence Protective Order 2017CVD15616 (under the name Celzo Arcides Romero), and USMS Register Number 34202-279;
 - f. on April 14, 2004, he was convicted in Mecklenburg County, North Carolina, District Court for DRIVING WHILE IMPAIRED - Level 3, for which he appears to have been sentenced to 90 days of confinement and 12 months of probation. Court Docket 2003cr255029; date of arrest was November 16, 2003;
 - g. on July 21, 2005, he was convicted in Mecklenburg County, North Carolina, District Court for DRIVING WHILE IMPAIRED - Level 1, for which he appears to have been sentenced to 2 years of confinement, suspended for 40 days of active/ weekend jail time and 18 months of supervised probation. Court Docket 2004cr251954; date of arrest was November 16, 2004;
 - h. on February 17, 2008, he was arrested by the Mecklenburg County, North Carolina, Sheriff's Office for DRIVING WHILE IMPAIRED, RECKLESS DRIVING – WILLFUL/WANTON DISREGARD, DRIVING WHILE LICENSE REVOKED, and PROBATION VIOLATION (Mecklenburg County, North Carolina, District

- Court Docket 2004cr251954), and transported to the Mecklenburg County Jail, where he was encountered by Mecklenburg County ICE 287(g) deputies who determined that he was unlawfully present in the United States;
- i. on February 18, 2008, he was issued and served agency form I-862 (Notice to Appear or NTA). On that same day he signed a document titled Statements Made for the Issuance of a Final Removal, admitting in it that all factual allegations contained in the NTA were true and correct as written; conceded that he was subject to removal from the United States as charged in the NTA; designated Honduras as the country for his removal; waived his right to have a hearing in front of a judge; and waived his right to appeal;
 - j. on February 26, 2008, probation as ordered by the Mecklenburg County, North Carolina, District Court at time of his conviction for DRIVING WHILE IMPAIRED - Level 1 on July 21, 2005, was unsatisfactorily terminated after his being charged for Misdemeanor Probation Violation. Court Docket 2004cr251954;
 - k. on March 19, 2008, he was convicted in Mecklenburg County, North Carolina, District Court for DRIVING WHILE IMPAIRED - Level 1, and sentenced to 30 days of confinement. Court Docket 2008cr208285; date of arrest was February 17, 2008;
 - l. on April 7, 2008, he was granted a stipulated order of removal from the United States to Honduras by an Immigration Judge at Atlanta, GA, under the name Celzo Romero-Avila;
 - m. on April 28, 2008, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at Columbus, Georgia, being advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;
 - n. on November 10, 2008, he was encountered by Border Patrol in Catarina, Texas, determined to be unlawfully present in the United States, and transported to the Carrizo Springs, Texas, Border Patrol Station where his order of removal was reinstated by designated officials;
 - o. on November 26, 2008, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at San Antonio, Texas, and he was advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;
 - p. on April 28, 2010, he was arrested by the Hidalgo County, Texas, Sheriff's Department near Edinburg, Texas, turned over to the Border Patrol, and transported to the Weslaco, Texas, Border Patrol Station for processing;
 - q. on April 29, 2010, his order of removal was reinstated by designated officials in Weslaco, Texas;
 - r. on April 30, 2010, he was convicted in the United States District Court for the Southern District of Texas, McAllen Division, for ILLEGAL ENTRY, in violation of Title 8, United States Code, Section 1325(a)(1), and sentenced to "time served" (approximately equivalent to 1 day of confinement). Case Number 7:10-po-02479 under the name Celzo Arside Romero-Avila; entered a guilty plea on April 30, 2010;

- s. on June 4, 2010, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at San Antonio, Texas;
- t. on March 2, 2012, he was encountered by the Border Patrol in Hidalgo, Texas, determined to be unlawfully present in the United States, and transported to the McAllen, Texas, Border Patrol Station for processing;
- u. on March 3, 2012, his order of removal was reinstated by designated officials in McAllen, Texas;
- v. on March 26, 2012, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at Harlingen, Texas, and he was advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Attorney General;
- w. on August 18, 2017, he was arrested by the Mecklenburg County, North Carolina, Sheriff's Office for ASSAULT ON A FEMALE BY MALE AT LEAST 18 YEARS OF AGE, ASSAULT PERSON BY STRANGULATION INFLICT PHYSICAL INJURY, and INTERFERE WITH OR PREVENT EMERGENCY COMMUNICATION/ EQUIPMENT (assault victim was A---- G-----, with whom he shares at least one child), and he was subsequently transported to the Mecklenburg County Jail;
- x. on August 19, 2017, he was encountered by Mecklenburg County, North Carolina, ICE 287(g) deputies at the Mecklenburg County Jail, determined to be unlawfully present in the United States, and his order of removal was reinstated by designated officials in Charlotte, North Carolina;
- y. on February 14, 2018, he was convicted in Mecklenburg County, North Carolina, Superior Court for ASSAULT ON A FEMALE, and sentenced to 75 days of confinement. Court Docket 2017crs230634 (assault victim was A---- G-----, with whom he shares at least one child); date of arrest was August 18, 2017;
- z. on February 14, 2018, he was convicted in Mecklenburg County, North Carolina, Superior Court for INTERFERENCE WITH EMERGENCY COMMUNICATION, and sentenced to 75 days of confinement. Court Docket 2017crs230635; date of arrest was August 18, 2017;
- aa. on August 21, 2018, he was convicted in the United States District Court for the Western District of North Carolina for ILLEGAL REENTRY OF A DEPORTED ALIEN SUBSEQUENT TO THE CONVICTION OF A FELONY, in violation of Title 8, United States Code, Section 1326(a) and (b)(1), and sentenced to "time served" (approximately equivalent to 181 days of confinement) and one year of supervised release. Case Number WDNC 3:17CR000286-001 under the name Celzo Arside Romero Avila; entered a guilty plea on April 19, 2018; date of arrest was February 23, 2018;
- bb. on September 17, 2018, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at Columbus, Georgia, being advised prior to removal that it is a crime after removal from the

- United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;
- cc. on October 22, 2019, he was encountered by the Border Patrol near Eagle Pass, Texas, determined to be unlawfully present in the United States, and transported to the Eagle Pass, Texas, South Border Patrol Station for processing;
 - dd. on October 23, 2019, his order of removal was reinstated by designated officials in Eagle Pass, Texas;
 - ee. on May 13, 2020, he was convicted in the United States District Court for the Western District of Texas, Del Rio Division, for ILLEGAL RE-ENTRY INTO THE UNITED STATES, in violation of Title 8, United States Code, Section 1326(a) and (b)(1)/(2), and sentenced to 21 months of confinement and three years of supervised release. Case Number 2:19-CR-02935(1)-AM under the name Celzo Arside Romero-Avila; entered a guilty plea on January 28, 2020; date of arrest was October 22, 2019;
 - ff. on June 02, 2021, relief from removal that he sought was denied by an Immigration Judge in Dallas, Texas, and his case was returned to the Department of Homeland Security (DHS) for his removal;
 - gg. on June 9, 2021, agency form I-205 (Warrant of Removal/ Deportation) was executed by including his photograph, fingerprint, and signature, and ROMERO AVILA was removed by air from the United States to Honduras at San Antonio, Texas, being advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;

9. That, on September 2, 2024, after thorough review of the immigration A-file, your Affiant conducted record checks of immigration indices and was unable to locate any record that ROMERO AVILA applied for, or was granted, permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/ removal.

Based on the above information, your Affiant respectfully requests the issuance of a criminal complaint against Celzo Arside ROMERO AVILA.

/s/ Erin North, Deportation Officer
United States Immigration and Customs Enforcement

AUSA Kenneth M. Smith reviewed this Affidavit.

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 4th day of September, 2024, at 4:02 pm



W. Carleton Metcalf
United States Magistrate Judge

